

ESTTA Tracking number: **ESTTA763436**

Filing date: **08/09/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92063240
Party	Defendant Zoe Unlimited Apparel LLC dba Zero Limit
Correspondence Address	ZOE UNLIMITED APPAREL LLC dba ZERO LIMIT LLC 569 CR 4699 BOYD, TX 76023 UNITED STATES jim@waltonpllc.com
Submission	Stipulated/Consent Motion to Reopen
Filer's Name	James E. Walton
Filer's e-mail	jim@waltonpllc.com
Signature	/jamesewaltontm/
Date	08/09/2016
Attachments	MotionToReopen20160809.pdf(95958 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ICON Health & Fitness, Inc.,	§	Cancellation No. 92063240
	§	
Petitioner	§	
	§	
v.	§	Mark: ZERO LIMIT
	§	
Zoe Unlimited Apparel LLC d/b/a	§	
Zero Limit LLC,	§	
	§	
Respondent	§	Registration No. 4,779,742

**MOTION TO REOPEN AND EXTEND ANSWER, DISCOVERY,  
OR TRIAL PERIODS WITH CONSENT**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Dear Sir or Madam:

Pursuant to Fed. R. Civ. P. 6(b), 37 C.F.R. § 2.116(a) and TBMP § 509.01, Respondent, Zoe Unlimited Apparel LLC d/b/a Zero Limit LLC, hereby moves to reopen the proceeding and extend the time for Respondent to file its Answer, which was due on 12 June 2016, by 60 days and extend all subsequent dates set in this case accordingly. This Motion to Reopen and Extend Answer, Discovery, or Trial Periods with Consent has been consented to by Petitioner. The proposed dates are as follows:

<b>Time to Answer:</b>	<b>August 12, 2016</b>
<b>Deadline for Discovery Conference:</b>	<b>September 12, 2016</b>
<b>Discovery Opens:</b>	<b>September 12, 2016</b>
<b>Initial Disclosures Due:</b>	<b>October 11, 2016</b>
<b>Expert Disclosures Due:</b>	<b>February 9, 2017</b>
<b>Discovery Closes:</b>	<b>March 8, 2017</b>
<b>Plaintiff's Pretrial Disclosures Due:</b>	<b>April 22, 2017</b>
<b>Plaintiff's 30-Day Trial Period Ends:</b>	<b>June 8, 2017</b>

<b>Defendant's Pretrial Disclosures Due:</b>	<b>June 23, 2017</b>
<b>Defendant's 30-Day Trial Period Ends:</b>	<b>August 7, 2017</b>
<b>Plaintiff's Rebuttal Disclosures Due:</b>	<b>August 22, 2017</b>
<b>Plaintiff's 15-Day Rebuttal Period Ends:</b>	<b>September 22, 2017</b>

This Motion is not for purposes of delay, but to allow the parties to finalize settlement negotiations. Petitioner consented to this reopening and extension via e-mail on August 3, 2016.

The parties are confident this extension will help avoid unnecessary costs associated with discovery, pre-trial motion practice, and testimony, and could avert costs to the Board as well. Moreover, this Motion is stipulated between all parties, which indicates neither party will be prejudiced by any delay associated with the extension. In light of the foregoing, Respondent respectfully moves that the Board reopen the time for Respondent to file its Answer and extend the proceeding for a period of 60 days as set forth above.

Dated: August 9, 2016

Respectfully submitted,

/jamesewaltontm/  
James E. Walton  
Law Offices of James E. Walton, P.L.L.C.  
1169 N. Burleson Blvd., Suite 107-328  
Burleson, Texas 76028  
(817) 447-9955  
jim@waltonpllc.com

Attorney for Respondent  
Zoe Unlimited Apparel LLC d/b/a Zero Limit LLC

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Motion to Reopen and Extend Answer, Discovery or Trial periods with Consent has been served on Petitioner's Attorney of record by email to [BGPratt@hollandhart.com](mailto:BGPratt@hollandhart.com) on August 9, 2016, said service by email being consented to by counsel for Petitioner.

Date: August 9, 2016

/jamesewalton/

James E. Walton  
Law Offices of James E. Walton, P.L.L.C.  
1169 N. Burleson Blvd., Suite 107-328  
Burleson, Texas 76028  
(817) 447-9955  
[jim@waltonpllc.com](mailto:jim@waltonpllc.com)

Attorney for Respondent  
Zoe Unlimited Apparel LLC d/b/a Zero Limit LLC